

Introduced by Senator Monning

January 22, 2014

An act to add Section 1297.18 to the Code of Civil Procedure, relating to international commercial disputes.

LEGISLATIVE COUNSEL'S DIGEST

SB 907, as introduced, Monning. International commercial disputes: representation and assistance.

Existing law includes provisions that govern arbitration and conciliation proceedings for international commercial disputes. Existing law authorizes the parties in a conciliation proceeding to appear in person or be represented or assisted by any person of their choice, and provides that a person representing or assisting a party is not required to be a member of the legal profession or licensed to practice law in California.

This bill would make these provisions regarding representation and assistance of parties applicable to any arbitration or conciliation proceeding conducted pursuant to the statutory provisions that govern arbitration and conciliation of international commercial disputes. The bill would encourage the Judicial Council and the State Bar of California to revise specified rules to conform to these provisions. The bill also would encourage the State Bar to form a California International Commercial Dispute Resolution Council to perform certain promotional and informational functions, and would prohibit the State Bar from using annual membership fees or other state funds for this purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1297.18 is added to the Code of Civil
2 Procedure, immediately following Section 1297.17, to read:

3 1297.18. In any proceeding or procedure conducted pursuant
4 to this title, the parties may appear in person or be represented or
5 assisted by any person of their choice. A person representing or
6 assisting a party need not be a member of the legal profession or
7 licensed to practice law in California.

8 SEC. 2. (a) The Legislature encourages the Judicial Council
9 to revise California Rule of Court 9.43 and the State Bar of
10 California to revise its rules regarding out-of-state attorney
11 arbitration counsel to provide that these rules do not apply to
12 arbitration or conciliation proceedings pursuant to Title 9.3
13 (commencing with Section 1297.11) of the Code of Civil
14 Procedure.

15 (b) The Legislature encourages the State Bar of California to
16 form a California International Commercial Dispute Resolution
17 Council to actively promote California as a center for international
18 commercial arbitration and conciliation and to inform the
19 international community that California law allows the parties to
20 international commercial dispute arbitration proceedings to be
21 represented or assisted by any person of their choice and that the
22 State of California positively encourages the growth of international
23 arbitration in California. The State Bar of California shall not use
24 annual membership fees or other state funds for purposes of this
25 subdivision.